

PROPOSED CHANGES IN UTAH'S ANIMAL CRUELTY CODE - PART 2

(12/23/2002)

EUTHANASIA METHODS

76-9-303. Legal Euthanasia - Penalties

(1) As used in this section:

(a) "Humane Euthanasia" means termination of animal life through the use of a barbituric acid derivative injection or bottled carbon monoxide gas by state-licensed animal euthanasia agencies defined in Section 58-17a-303 (3) U.C.A., 1953, as amended and related administrative rules;

(i) using intravenous or intraperitoneal routes of administration in conscious or unconscious animals, or

(ii) using an intracardial route of administration in unconscious animals.

(b) "Animal Shelter" means any place or premises kept for the care, keeping, impounding, housing or boarding of any animal, whether the premises are owned or operated by a municipality, county, private association, institution, humane organization, or any other business or corporation.

(2) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in an animal shelter, and the procedure applicable to the method selected must be strictly followed:

(a) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

(b) intracardial injection of these solutions must only be administered if the animal has been tranquilized with an approved, humane substance and the animal, at the time of the intracardial injection, is anesthetized or comatose;

(c) the solutions may not be administered via intraperitoneal, intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

(d) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal

(e) dogs and cats, except animals under sixteen (16) weeks of age, may be killed by bottled carbon monoxide gas administered in a tightly enclosed chamber, which must be equipped with:

(i) internal lighting and a window providing direct visual surveillance of the collapse and death of any animal within the chamber;

(ii) the gas concentration process must be adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least six percent within five minutes after any animal is placed in the chamber. The chamber must have a functioning gas concentration gauge attached to the chamber and a strong airtight seal must be maintained around the door;

(iii) the unit shall include an exhaust fan connected by a gas-tight duct to the outdoors capable of completely evacuating the gas from the chamber before it is opened after each use, except that this provision does not apply to chambers located out-of-doors;

(iv) animals must be left in the chamber for a period of no less than fifteen minutes from the time the gas concentration throughout the chamber reaches six percent.

(f) no person may euthanize an animal by gas emitted from any engine exhaust system.

(g) in all instances where a carbon monoxide chamber is used:

(i) no incompatible or hostile animals or animals of different species, may be placed in any chamber simultaneously;

(ii) every chamber must be thoroughly cleaned after the completion of each full cycle. No live animals may be placed in the chamber with dead animals;

(iii) all animals must be examined by a euthanasia technician to ensure they are dead upon removal from the chamber;

- (iv) all chambers must be inspected regularly by a qualified technician who is thoroughly knowledgeable with the operation and maintenance of the particular euthanasia chamber being used;
- (v) an operational guide and maintenance instructions must be displayed in the room with the euthanasia chamber; and
- (vi) a functioning carbon monoxide alarm must be installed in any room where either the gas cylinders or chamber are located, if not located out-of-doors.

(3) Penalties; injunction. No person may kill animal impounded or quarantined in an animal shelter by any means except as provided by this article. Any person who violates the provisions of this section is guilty of a class B misdemeanor for each animal killed. The Attorney General of Utah may bring an action to enjoin a violation of this article.

(4) The provisions of this Section do not apply to:

- (a) a licensed veterinarian using accepted veterinary practice;
- (b) bona fide experimentation for scientific research, provided that the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved; or
- (c) specific instances in which a Utah peace officer determines that the emergency destruction of an animal must be accomplished in some other manner due to the species and present danger of the exigent circumstances.